

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

---

BARRY H. DAYTON,

individually and on behalf  
of all others similarly situated

Plaintiff,

v.

No. 1:16-cv-06812

OAKTON COMMUNITY COLLEGE,  
MARGARET LEE, JOIANNE SMITH,  
MICHAEL ANTHONY, KARL  
BROOKS, MAYA EVANS,  
TOM HAMEL, COLETTE HANDS,  
BONNIE LUCAS, and MUM  
MARTENS.

Defendants.

**PLAINTIFFS' MOTION FOR COLLECTIVE  
AND CLASS CERTIFICATION**

---

Named Plaintiff, Barry H. Dayton, on behalf of himself and all others similarly situated, hereby moves for collective certification of his claims under Section 7(b) of the Age Discrimination in Employment Act, 29 U.S.C. § 626(b), and class certification, pursuant to Fed. R. Civ. P. 23(c)(1) of his claims under 42 U.S.C. §1983 and for violations of Illinois Const., Art. XII, § 5. The basis for Named Plaintiffs' Motion is contained in Plaintiff's Brief in Support of Collective and Class Certification and supported by the simultaneously filed affidavit of Nathan D. Eisenberg.

In addition to moving for certification of the collective action and class action, Plaintiff further moves for court facilitated notice to all potential class members. See Fed. R. Civ. P.

23(c)(2); *Hoffmann-La Roche v. Sperling*, 493 U.S. 165, 170 (1989). Attached hereto as Exhibit A is Named Plaintiff's Proposed Notice of Pendency of Lawsuit. Plaintiffs request that the court direct Defendants to produce a class list within 10 days of the certification order.

Dated this 27<sup>th</sup> day of February, 2017.

/s/ Nathan D. Eisenberg

Nathan D. Eisenberg (Ill. Bar No. 6307413)

[nde@previant.com](mailto:nde@previant.com)

Sara J. Geenen

[sjg@previant.com](mailto:sjg@previant.com)

Erin F. Medeiros

[efm@previant.com](mailto:efm@previant.com)

THE PREVIAANT LAW FIRM, S.C.

310 West Wisconsin Ave. Suite 100 MW

Milwaukee, WI 53203

Telephone: 414/271 4500

Fax: 414/271 6308

(LEAD COUNSEL)

Stephen Yockich (Ill. Bar No. 6181707)

[syockich@laboradvocates.com](mailto:syockich@laboradvocates.com)

Dowd, Bloch, Bennett, Cervone, Auerbach &  
Yokich

8 South Michigan Avenue – 19<sup>th</sup> Floor

Chicago, IL 60603

Telephone: 312/ 372-1361

Fax: 312/372-6599

(LOCAL COUNSEL)

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I, Nathan D. Eisenberg, an attorney, certify that a copy of Plaintiff's Motion for Collective and Class Certification was served on the attorney(s) listed herein, via e-mail on February 27, 2017.

Frank B. Garrett III  
Philip H. Gerner III  
Jennifer L. Jones  
Robbins Schwartz  
55 West Monroe Street, Suite 800  
Chicago, Illinois 60603

Stephen Yockich  
[syokich@laboradvocates.com](mailto:syokich@laboradvocates.com)  
Dowd, Bloch, Bennett, Cervone, Auerbach & Yokich  
8 South Michigan Avenue – 19<sup>th</sup> Floor  
Chicago, IL 60603

George S. Frederick, Esq.  
David Weiss, Esq.  
[george@mkfmlaw.com](mailto:george@mkfmlaw.com)  
[david@mkfmlaw.com](mailto:david@mkfmlaw.com)  
Mirabella, Kincaid, Frederick & Mirabella 1737  
S. Naperville Raod, Suite 100  
Wheaton, IL 60189

/s/ Nathan D. Eisenberg